

Eastern MRS Meeting Notes
September 22, 2006
Louisburg PD Training Center

Counties Present: Cumberland, Franklin, Halifax, Nash, Pasquotank, Sampson, Vance, Warren, Washington, Wayne, Wilson.

Introductions

Announcements

Foster Care Funding/Relative Care

Responsible Individuals List

General Questions

Announcements

- Couple of Work First letters, both admin and Dear County Director, be sure to look at those.
- Tom also shared that there was a letter dated September 1st regarding providing Mental Health services to Foster Children (not on the web right now due to the change in web addresses.) Basically this tells you how to get basic mental health care for these children without having to go through the LMEs.
- Will be a Data Warehouse training Thursday October 5th in Raleigh at the CSE Computer Lab. If you can't make it to there, but you can get enough folks and a computer lab, we may be able to bring them a little closer.
 - MRS database will be included in Data Warehouse
- Federal Child and Family Services Review in NC March 26-30 of 2007. Mecklenburg is always a site, the other two have not been selected yet.
- DHHS website is changing to www.dhhs.gov
 - This will also be how you get to the Division's website: www.dhhs.gov/dss
 - Website not changing, just the bookmark.
- Working at the Division to consolidate the policy manual so there will not be one policy manual and another MRS manual.

Foster Care Funding/Relative Care

Mecklenburg brought this issue yesterday and they were trying to address how to meet the best interest of the children while following all the regulations and finding funding.

- Franklin doesn't know if they are planning on making any changes, but they are out of money because the only way to code unlicensed relative placements with "p" money, and they are already out of that money.
- Possible that this is not as much of a concern with the smaller counties that are here today. Yesterday we had mostly very large counties.
- Folks here think it is an issue, and the look to relatives, but they have to make a decision if the relatives don't want to be licensed, they have to figure out how to deal with the funding concerns
- The feds are emphasizing relative placement but they are the ones that won't let you draw down money for non licensed relative placement.
- Tom talked about funding.
 - There is a new funding manual on line.

- Make appropriate use of trial home visits and after care (feds will allow you to claim administrative cost reimbursement.) Trial home visits can last up to 6 months or longer if it is in the court order. Remember that if a child is in either of those two situations, the child is considered a candidate for foster care placement.
- Yesterday there was a lot of discussion about how we (DSS) needed to make an effort to seek relatives as placements and to get them licensed.
- Folks today felt that the licensing process was too long. This is cumbersome and discouraging to families – wondered if the state was looking into this and would be more flexible on relatives.
 - Tom pointed out that you can use IVE money to help families to get licensed (say to buy extra beds so they have the required number) but if you do this for relatives trying to get licensed, you have to do it for everyone.
- Black Mountain staff tends to be very flexible when it comes to relatives. Can't waive safety issues, but can wave many other things like criminal records if the county Director is willing to sign off on it. What Tom has been told by the Black Mountain Staff is that usually it is the county Directors that are not willing to ask for waivers.
- There are some states that have different standards for relatives but we have heard from our regional and federal partners that North Carolina is not going to go that route.
- One worker pointed out that if caretakers are receiving a payment, her expectation of the family will go up. She expects them to play more of an active role in transportation, etc. This is why many families don't want to be licensed or to take the money, because they don't want to do all the regulatory stuff.
- Nash has families that may get licensed but then they don't want to adopt because it will change the funding situation so even though the child could be in the same home, they are still in the system.
 - DSS needs to share up front that we have an obligation for permanence and we need to share the DSS definition of permanence with the family. If they aren't willing to 'take' the child from their sister, then DSS may have to look at taking that child away from their whole family and placing them in a foster care situation.
- Be very careful to examine how you are presenting information.
- Mecklenburg is doing full home studies on relatives and having in depth conversations with relatives within the first 72 hours. These discussions include the long term possibilities (adoption etc.)
- Families have fears of their own family members. There may be a relative that would be an excellent placement, but due to family issues and history, this person is reluctant to get involved in taking custody. Hard for DSS to combat this historical internal dynamic.
- NC Legislature did allocate some money to offset the fact that counties can't draw down IVE money anymore. County Director group working on how to disburse this money. This would cover admin costs when children were placed with non licensed relatives. Not sure of any more details, but after Directors finish discussion, there will be some kind of communication on this coming out.

Responsible Individuals List

- Terri has kept track of the concerns that have been emailed to her since this started in May. As with anything, there are always growing pains!
- Judges are supposed to be trained by AOC.
- RIL has come about as a matter of Federal Requirements. For details on the process and the appeals, consult the manual.
- Keep in mind that the RIL is a list that may potentially affect their employment – this has nothing to do with them being in the central registry! Don't try to make being on this list be an indication of whether or not they neglected their child. The term 'serious' is causing a lot of anxiety. All neglect is a serious matter, but this list is only about their future employability or ability to foster/adopt a child.

Questions:

- 1) What is serious neglect? Definition is broad and vague.
Yes it is broad, but that was intentional so as to give the counties discretion. Looked at what other states had done. These are the cases that whatever happened was serious enough that you would not want the person who committed these acts to be working around children. Some of the types of cases that were discussed with the Directors were: cases with substance abuse and mental health issues, particularly when there is non compliance with treatment. When this SA or MH problem impaired the ability to parent. Family violence may result in 'serious' – was there a weapon? Was the child injured in the violence?. Not limited to these, and not all these will be, but those were some of the issues that were discussed. A situation where you feel that you would not want this person to be working around children.
- 2) Authorized Users – when will we be expanding the list? (Schools, Church volunteers)
This will be coming, but it will require legislation and will not be very soon.
- 3) Request for Information (form #5268)
Will be revising this form to include a place for license number, add language that makes it clear that this is also for foster and adoptive situations.
- 4) Other agencies – private placing agencies, other state agencies.
How many people are authorized to request information?
Black Mountain office has requested it be limited to 1 or 2 per agency.
- 5) Is checking the RIL mandatory?
No, its an optional tool.
- 6) Conflict of interest assessments
The county that conducts the assessment is the one who delivers the notice that someone was placed on the list, and if there is an appeal it goes to the Director of the county who conducted the assessment.
However, if it goes to the judicial appeal, it must be done in the county were the incident occurred, (think of this in terms of law enforcement involvement.)

7) Case decision letters

The letters in the manual were samples. You do not have to use them exactly as they are. The samples have a place for you to fill in the exact last date that the person could request a review, but you do not have to put that date. You can say "you have 30 days" The point is to give them adequate notice.

8) Filing of criminal charges or a conviction – does it stay the expunction?

Yes, it will stay the expunction. So makes it more important to communicate if this is a cross county case (see number 6 with the difference in who handles the assessment DSS vs law enforcement/courts.) You will still send the letter and if they appeal you tell them that they have to wait until the criminal issues are resolved. If the criminal charges are dropped, they then have 30 days from the date those charges were dropped to make an appeal.

9) When you file petition for non secure prior to making case decision what affect does this have?

It forces you to keep 210 open until county adjudication and then your decision must match the courts. In this situation, the individual will have already had their due process in court. Therefore they do not have the 30 day appeal anymore after the decision is made because basically they have already exhausted it (the judge has already agreed with you.) if the judge rules that it was neglect, you will need to have a discussion while you are in court on whether or not it rises to the level of serious neglect. You can send the perpetrator a letter saying they are on the list if you want, but you don't have to, because there will be aware of all of this at the court hearing. It is critical that your county attorney understands this process so that they can guide the process in court in case it is new to the judge. (This is on page 10 of the RIL policy manual.)

10) Took a look at the list after a few months.

As of September 12th there were 510 names, reported by 85 counties. 154 for abuse, 238 are for serious neglect, 121 for abuse and neglect. 12 appeals to the Director, 2 of them have been expunged by the director. One case is at the court level of appeal – it has been heard and the judge is in his 30 day window to make a decision.

There is a small county that has as many names on the list as Guilford. This is odd. Please be careful and aware of what you are doing when you put people on the list.

Some counties have heard that Directors were backing their staff on case decision, which they appreciated, but that Directors were just not responding. Wanted to know if that was ok, because it seemed unprofessional and not family centered?

- It is not family centered, but according to the law non-response is an option for the Directors, so need to make sure that the families know that if they do not get a response by X date that constitutes a "no" on their appeal.

When you have to wait to make case decision because of adjudication will the delay in case decision affect your Review?

- Shouldn't because you should be documenting the situation.

Since each county has their own standards, different situations will result to being put on the list.

- People asked if this was consistent, fair, and family friendly. If Pasquotank puts someone on the list, and that person moves to Wake and is denied a job because of being on the list, is that fair if what they were put on the list for would not have been considered 'serious' in Wake.
- May not be totally family friendly, but don't get overly hung up on the word 'consistent'. We want to be consistent in what reports are taken, but part of MRS is tailoring services to each family. This is sort of the flip side of that. This is also a growing process and discussion like this will get input.

Can you ever get off the list? What if the person changes at some time in the future?

- Yes, the individual can come back after a time (more than the 30 days) and request expunction if they can show it is in the best interest of the child and there has been a change in circumstances. (Ex: Mom had a SA problem, children were removed, she was put on the list for serious neglect. Several years later, she has been clean for over 2 years, and has a good job offer from someplace that will not hire her because of her being on the list. Her child would be better off if she could get that job and she can document that she has been clean for years.) This type of request bypasses the Director and goes straight to the court.

Holly has heard concerns by workers that the expunction process feels like someone is second guessing your work.

- Most of the time your decision will be upheld and it actually validates all the work that you do.

What do people here think rises to the level of serious neglect? What is the process of determining if it was serious?

- Generally talk it out case by case.
- One county has their Director sit in on staffing if they think they will want it to be serious. Obviously this depends on the size of your county. You may need to use your program manager instead of Director.
- No one has set any absolutes – that a certain circumstance always makes it serious.
- One county does a 'devils advocate' situation to think of how it would play out in court.

Counties feel that trying to appeal their placement on the list is beyond the capabilities of these families. Recognize that it is a due process issue, but the process seems unfair to families.

Terri briefly went through the different appeals process. Can be appealed to the Director, District Court, or Judge (court).

Three options for appeal:

- 1) Support – agree completely with original finding
- 2) Modify – agree that there should have been a substantiation but remove them from list, or decide that it was more serious, and although the finding was serious neglect, it should have been abuse!

- 3) Overturn/dismiss – decide that it was not serious neglect, so should come off the list, but still a substantiation of neglect, or decide that you never should have substantiated at all and reverse the case decision.

Other Issues/Discussion

Wilson county has had a large dramatic increase in the number of children coming into care. All their foster home are full. Curious if other counties are experiencing this?

- None from this group but Susan Sanderson has heard of some other counties that are experiencing similar things.
- It seems that the biggest trend (in Wilson) is that parents who were low functioning but used to have MH services or some other service, no longer have access to these services and that is why the kids are coming into care. Its not meth or anything.

Question was asked if many counties were using CFTs before kids come into care to look at possible relative placements and nip a lot of issues before they even come out (as they would if you didn't talk to these people until after the kids came into care).

- Yes
- SW from Cumberland talked about the benefits, because he is a facilitator. He thinks that CFTs are the biggest single thing that will make MRS a success.
- Holly mentioned that particularly with Substance Abusers, CFTs work wonders. Substance Abusers are master manipulators and they are usually doing this with a large group of people but once everyone is together the truth comes out for everyone.

Future Meetings and Trainings

MRS Monthly Meetings

- Central Meeting - October 31st Davidson Co Community College (Mendenhall 226)
- Western Meeting - October 30th Buncombe Co St. John's Episcopal Church
- Eastern Meeting – October 20th Onslow Co
- Central Meeting - November 17th Randolph Co
- Western Meeting – November 28th Buncombe Co St. John's Episcopal Church
- Eastern Meeting - November 30th Washington Co

Policy Trainings

- October 5th - MRS Policy Iredell Co
- November 29th – MRS Policy Pitt Co
- December 7th – MRS Policy Onslow Co